

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Jose T. Meza

v.

Civil No. 12-fp-426

Richard Gerry, Warden,
New Hampshire State Prison

O R D E R

Jose T. Meza has filed a document (doc. no. 1) seeking this court's extension of the time limit for filing his federal habeas petition. The court will construe the filing (doc. no. 1) as a petition for a writ of habeas corpus, and directs the Clerk's office to docket it as such.


The petition, at this time, is insufficient to state a claim for habeas relief. Meza asserts that he is in the process of exhausting in the state courts the claims that he intends to raise in this petition. Accordingly, the court will sua sponte stay this matter to allow Meza to exhaust his claims. When Meza's claims are exhausted, he will be given leave to amend his petition to sufficiently assert any claim for habeas relief that he intends to pursue.

Meza is directed to notify this court, in writing, of the status of the state court proceedings, every ninety days until

he has completely exhausted his claims, beginning ninety days from the date of this order. Once the New Hampshire Supreme Court has issued a final decision in this matter, Meza must notify this court of that decision within thirty days of the date of that order. At that time, Meza should also: a) seek to lift the stay in this matter, and b) file an amended petition setting forth each federal habeas claim he intends to raise in this action, and c) attach to his amended petition documentation to demonstrate that each of those claims, including the federal nature of each claim, has been exhausted in the state courts.¹

Meza's failure to comply with this order may result in a recommendation that the petition be dismissed without prejudice.

SO ORDERED.



Landya McCafferty
United States Magistrate Judge

November 7, 2012

cc: Jose T. Meza, pro se

LBM:jba

¹Meza should attach to his amended petition any notice of appeal, petition, complaint, brief, motion, or other document he filed in state court, and any order or other document issued by any state court, that demonstrates that he has presented his federal claims to the state courts, including the New Hampshire Supreme Court.